

taking oysters for private use, or transplanting or cultivating, not for sale, at any time from his private beds within the State. Persons violating the provisions of this section shall be deemed guilty of a misdemeanor.

1894, ch. 380.

**15.** Any person who shall violate any provisions of sections seven to fifteen, inclusive, of this article, except sections nine, ten, ten A, eleven and thirteen, where the penalty is prescribed, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court or justice of the peace, shall be fined not less than twenty-five dollars nor more than three hundred dollars, in the discretion of the court or the justice of the peace by which such person shall be tried, or imprisoned in the county or city jail, or in the house of correction for not less than one month nor more than twelve months, in the discretion of the judge or justice of the peace trying the same; provided, however, that any owner, master or person in charge of a canoe, boat or vessel used in taking or catching oysters with rakes or tongs, who shall be convicted of having in possession on said canoe, boat or vessel oysters containing more than five per cent. of shells and small oysters, as provided in section eight, shall be fined a sum not less than ten dollars nor more than fifty dollars, in the discretion of the judge of the court or the justice of the peace before whom such person shall be tried; and one-half of every fine imposed for a violation of this section shall be paid to the informer unless he be an officer of the State fishery force.

Ibid.

**16.** It shall be unlawful for any person to take or catch oysters on Sunday or at night; and any person violating this section shall, on conviction thereof, be fined a sum of not less than fifty dollars nor more than three hundred dollars, or sentenced to the house of correction for a period of not less than three months nor more than one year, or forfeit the boat, vessel or canoe used in violation of this section, in the discretion of the judge or justice of the peace trying the case.

Messick v. State, 82 Md. 585.